

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
Honorable Edward J. Davila
Courtroom 4 - 5th Floor

TITLE: UNITED STATES v. RAMESH SUNNY BALWANI
CASE NUMBER: 5:18-CR-00258-2 EJD

Minute Order and Trial Log

Date: May 11, 2022

Time in Court: (8:36-9:33 AM; 9:48-11:44 AM; 12:44-2:30 PM; 3:03-4:19 PM)

TOTAL Time: 5 hrs, 55 min

Courtroom Deputy Clerk: Cheré Robinson

Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: Jeffrey Schenk, Robert Leach, John Bostic, Kelly Volkar

Also present: Special Agent - Chris McCollow

Paralegals – Maddi Wachs; Sara Slattery

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares, Aaron Brecher, Shawn Estrada, Sachi Schuricht, Amari Hammonds

Also present: Paralegal – Jennifer Cygnor

Also present: Ramesh Sunny Balwani (out-of-custody)

PROCEEDINGS:

Motion Hearing: 57 min (8:36-9:33 AM)

Hearing held on [1425] Defendant's Motion to Compel. Argument of Counsel heard.

Jury Trial (Day 28): 4 hrs, 58 min (9:48-11:44 AM; 12:44-2:30 PM; 3:03-4:19 PM)

Jury Trial held May 11, 2022. Testimony held and evidence entered.

Further Jury Trial set for May 13, 2022, at 9:00 AM.

See attached Trial Log.

The following exhibits were identified and offered:

Plaintiffs: 663, 1334, 1371, 2057, 2468

Defendants: 14124, 14135, 14103, 12285, 14224, 14225, 14226, 12185, 12252, 713, 1362, 12999, 13550, 13991

The following exhibits are admitted into evidence:

Plaintiffs: 663, 1334, 1371, 2057, 2468

Defendants: 14124, 14135, 14103, 12285, 14224, 14225, 14226, 12185, 12252, 713, 1362, 12999, 13550, 13991

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HONORABLE EDWARD J. DAVILA

Case Name: *United States v. Ramesh Sunny Balwani*
Case No: 5:18-CR-00258-2 EJD

TRIAL LOG

TRIAL DATE: May 11, 2022		REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
		8:36 am	Court in session with Counsel out of presence of Jury and witnesses
			Hearing held on [1425] Defendant's Motion to Compel
		9:33 am	Court breaks for 15 minutes
		9:48 am	Jury present
		9:49 am	Court in session in presence of Jury
			Court queries Jury re previous admonishment
		9:50 am	Witness #14 Daniel L. Mosely returns to stand
			Defense continues cross-examination of Daniel Mosley
			Ex. 4197, previously admitted
14124		9:58 am	ADMITTED into Evidence: 2014-10-06 Mosley/Holmes Email String
		10:04 am	Ex. 4284, previously admitted
		10:08 am	Ex. 2065, previously admitted
14135		10:11 am	ADMITTED into Evidence: Oct 2014 Mosley/Boies/Holmes Email string re Theranos
		10:14 am	Displayed Excerpt of 2019-04-10 Deposition Transcript of Daniel L. Mosley
		10:16 am	Defense completes cross-examination of Daniel L. Mosley
			Government begins re-direct examination of Daniel L. Mosley
		10:17 am	Ex. 3387, previously admitted

TRIAL DATE: May 11, 2022		REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
		10:20 am	Government completes re-direct examination of Daniel. L. Mosley
			Witness Daniel L. Mosley
		10:21 am	Government calls Alan Eisenman
		10:22 am	Witness #15 Alan Eisenman sworn and takes the stand
		10:23 am	Government begins direct examination of Alan Eisenman
663	Obj	10:45 am	ADMITTED into Evidence: May 2010-Aug 2012 Eisenman/Holmes/Minnig Email String re June Quarterly update
		11:03 am	Ex. 1106, previously admitted
1334		11:08 am	ADMITTED into Evidence: Dec 2013 Holmes/Eisenman Email String re Theranos Stockholder Consents for your Signature by this Wednesday 12/18/13, and attachments – Theranos – Amended and Restated Certificate of Incorporation (Dual Class.pdf; Theranos – Amended and Restated Investor Rights Agreement (Dec 2013).pdf; Theranos – Amended and Restated Series C-1 Preferred Stock Purchase Agreement.pdf; Theranos – Amended and Restated Voting Agreement Series C-1 (December 20, 2013).pdf
		11:13 am	Ex. 4060, previously admitted
1371		11:21 am	ADMITTED into Evidence: Dec 2013 Theranos/Eisenman/Balwani Email String re Theranos Stockholder Consents for your Signature by this Wednesday 12/18/13, pp. 1-8 only
		11:25 am	Ex. 1334, previously admitted
2057		11:32 am	ADMITTED into Evidence: Oct 2014 Eisenman/Holmes/Balwani Email String re Negative report on Theranos from UBS
2468		11:38 am	ADMITTED into Evidence (with personal info redacted): Apr 2015 Eisenman/Balwani/Holmes Email String re Theranos, and re PLEASE RESPOND!!!
		11:44 am	Court breaks for 60 minutes
		12:44 pm	Jury and witness Alan Eisenman enters Courtroom
		12:46 pm	Court in session in presence of Jury and witness Alan Eisenman

TRIAL DATE: May 11, 2022		REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
			Defense conducts cross-examination of Alan Eisenman
	14103	1:07 pm	ADMITTED into Evidence: May 2010 Eisenman/Holmes Email String re Updates on Theranos
Obj	12285	1:13 pm	Offered into Evidence
		1:15 pm	Foundation to be laid re state of mind
Obj		1:16 pm	Offered into evidence
		1:17 pm	Further foundation to be laid re state of mind
	12285	1:20 pm	ADMITTED into Evidence (with second paragraph in E. Holmes email redacted): Jun 2010 Eisenman/Holmes Email String re June call
	14224	1:23 pm	ADMITTED into Evidence: 2010-07-01 Eisenman Email to Holmes re no decision on sale of stock
	14225	1:25 pm	ADMITTED into Evidence: Jul 2010 Eisenman/Balkenhol/Holmes re Catching Up
	14226	1:31 pm	ADMITTED into Evidence: Sep 2010 Eisenman/Holmes Email string re Larry Ellison
	12185	1:33 pm	ADMITTED into Evidence: Feb 2011 Eisenman/Holmes/Balwani Email String re request for updates on Theranos
	12252	1:35 pm	ADMITTED into Evidence: May 2012 Eisenman/Minnig Email String re Theranos updates
	713	1:37 pm	ADMITTED into Evidence: Nov 2012 Eisenman/Minnig/Holmes Email String re Business Update
	1362	1:44 pm	ADMITTED into Evidence: Dec 2013 Eisenman/Balwani Email String Theranos Stockholder Consents for your Signature by this Wednesday 12/18/13
		1:45 pm	Ex. 1371, pp. 1-8, previously admitted
Obj	12999	2:06	Offered into Evidence
		2:07	ADMITTED into Evidence: Jan 2015 Eisenman/Balwani/Holmes Email String re Google Alert – Theranos
		2:10 pm	3530

TRIAL DATE: May 11, 2022		REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
		2:13 pm	14103
		2:14 pm	2468
	13550	2:18 pm	ADMITTED into Evidence: Aug 2015 Bois/Eisenhan Email String re Theranos follow up from our conversation today
Obj	13991	2:22 pm	Offered into Evidence
		2:24 pm	ADMITTED into Evidence (not for the truth of matter asserted, but to witness's state of mind): Sep 2015 Eisenman/Thombridge/Zawrotny Email String re Theranos
		2:29 pm	Defense completes cross-examination
		2:30 pm	Court breaks for 33 minutes
		3:03 pm	Jury and witness Alan Eisenman present
		3:07 pm	Court in session in presence of Jury and witness Alan Eisenman
			Government begins re-direct examination of Alan Eisenman
		3:12 pm	Ex. 3387, previously admitted
		3:21 pm	Government completes re-direct of Alan Eisenman
		3:22 pm	Defense begins re-cross-examination of Alan Eisenman
		3:27 pm	Ex. 12999, previously admitted
		3:37 pm	Ex. 14224, previously admitted
		3:38 pm	Defense completes re-cross-examination of Alan Eisenman
		3:39 pm	Government begins further re-direct of Alan Eisenman
		3:41 pm	Government completes further re-direct of Alan Eisenman
			Witness #15 Alan Eisenman excused
			Government calls Witness #16 Lynette Sawyer to testify
		3:43 pm	Witness#16 Lynette Sawyer sworn and takes the stand

TRIAL DATE: May 11, 2022		REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
		3:44 pm	Government begins direct examination of Lynette Sawyer
		3:56 pm	Ex. 4533, previously admitted
		3:58 pm	Ex. 20575, previously admitted
		3:58 pm	Ex. 10525, previously admitted
		3:59 pm	Ex. 10526, previously admitted
		4:00 pm	Government completes direct examination of Lynette Sawyer
		4:02 pm	Defense begins cross-examination of Lynette Sawyer
		4:13 pm	Court admonishes Jury
			Jury departs Courtroom
			Lynette Sawyer released for day
		4:14 pm	Court in session with counsel out of presence of Jury and witnesses
		4:19 pm	Court adjourns
			Jury Trial continued to May 13, 2022, at 9:00 AM